

STATE OF SOUTH CAROLINA

(Caption of Case)

COPY

Posted: led

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Date: 8/25/14

Time: 10:28

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

COVER SHEET

DOCKET/NDI  
NUMBER:

2014 - 359 - T  
2004 - 273 - T

(Please type or print)

Submitted by: Jeffrey Nelson

SC Bar Number: 12973

Address: 1401 Main Street

Telephone: (803) 737-0823

Suite 900

Fax: \_\_\_\_\_

Columbia SC 29201

Other: \_\_\_\_\_

Email: jnelson@regstaff.sc.gov

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

**DOCKETING INFORMATION** (Check all that apply)

☐ Emergency Relief demanded in petition

☐ Request for item to be placed on Commission's Agenda expeditiously

☐ Other: \_\_\_\_\_

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)			
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request	
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification	
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation	
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement	
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment	
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter	
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response	
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery	
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition	
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation	
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena	
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff	
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other: _____	
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest		
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit		
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report		

RECEIVED

AUG 25 2014

PSC SC  
MAIL / DMS

IN RE: Petition of the Office of Regulatory Staff to ) **PETITION FOR REVOCATION**  
Revoke the Class E (Household Goods) ) **OF CLASS E (HOUSEHOLD**  
Certificate of Public Convenience and Necessity ) **GOODS) CERTIFICATE OF**  
of Allegiance Moving Company, Incorporated ) **PUBLIC CONVENIENCE AND**  
For Failure to Maintain and File Evidence of ) **NECESSITY NO. 671-D**  
Insurance )

PSC 5C  
MAIL / DMS

and Supp. 2013), have submitted to the jurisdiction of the Commission by holding said Certificate of PC&N - and are therefore subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. §58-23-1010 et seq. (Supp. 2013). See Exhibit A, Affidavit of Carole Chauvin.

4. That Allegiance, upon receiving their Certificate of PC&N, were found to be fit, willing and able to operate as a motor carrier by the Commission; that in obtaining such authority Allegiance certified they are “familiar with all statutes and regulations, including safety regulations, governing for-hire motor carrier operations in South Carolina” and “agree to operate in compliance with these statutes and regulations” [10 S.C. Code Ann. Regs. 103-133(4)(a) (Supp. 2013)]; further, Allegiance certified they are “aware of the commission's insurance requirements and the costs associated therewith” [10 S.C. Code Ann. Regs. 103-133(4)(b) (Supp. 2013)].

5. That the Commission requires motor carrier applicants to procure and file with the Commission proper proof of insurance and that the insurance “must be kept in full force and effect and failure to do so is cause for the revocation of the certificate.” S.C. Code Ann. §58-23-910 (Supp. 2013).

6. That Allegiance has failed to file proof of insurance as required by S.C. Code Ann. §58-23-910 (Supp. 2013) and 10 S.C. Code Ann. Regs. 103-171 and / or 103-174 (Supp. 2013). See Exhibit A, Affidavit of Carole Chauvin.

7. That ORS notified Allegiance, through certified mail, return receipt requested, of their failure to file the required documents providing evidence of insurance; that despite this notification, Allegiance has continued to fail to comply with the requirements of providing evidence of insurance.

8. That “[a] failure to file evidence of insurance or surety bond or failure to keep all insurance or bonds in full force and effect shall be just cause for the commission, without further evidence or hearing, to suspend its order granting authority or to suspend the certificate or any license issued to the motor carrier.” 10 S.C. Code Ann. Regs. 103-175 (Supp. 2013); further, that the insurance “must be kept in full force and effect and failure to do so is cause for the revocation of the certificate.” S.C. Code Ann. §58-23-910 (Supp. 2013).

9. That "[t]he commission may at any time, after notice and opportunity to be heard, suspend, revoke, alter, or amend any certificate, if it shall be made to appear that the holder has willfully violated or refused to observe orders, rules, or regulations prescribed by the commission, provisions of the Motor Vehicle Carrier Law, or any other law of this State regulating motor carriers for hire and applicable to the holder of such certificate, or, if, in the opinion of the commission, the motor carrier holding a Certificate of PC&N is not furnishing adequate service or it is no longer compatible with the public interest to continue said certificate in force, or, if in the opinion of the commission, the motor carrier holding a Certificate of FWA is no longer furnishing adequate service, or said carrier no longer meets the fit, willing, and able criteria..." 10 S.C. Code Ann. Regs. 103-240 (Supp. 2013).

10. That "[t]he commission may, after a hearing, order the suspension, revocation, alteration, or amendment of any certificate issued pursuant to Articles 1 through 11 of this chapter, if it is proved that the holder of the certificate willfully made any misrepresentation of a material fact in obtaining his certificate or willfully violated or refused to observe the laws of this State touching motor vehicle carriers or willfully violated any of the terms of his certificate or of the commission's proper orders, rules or regulations. But the holder of the certificates has the right of appeal to any court of competent jurisdiction. The commission must not be a party to any appeal." S.C. Code Ann. §58-23-320 (Supp. 2013).

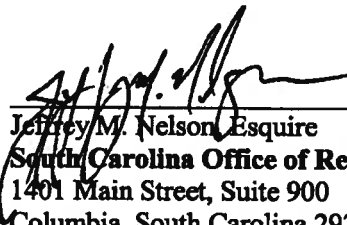
11. That the information listed in Exhibit A is the mailing address for Allegiance on file with the Commission and ORS and the information listed in Exhibit A was provided by Allegiance. See Exhibit A, Affidavit of Carole Chauvin.

**WHEREFORE**, ORS respectfully requests that the Honorable Commission:

1. Schedule and conduct a formal administrative hearing as soon as practicable to address disputed issues of fact and law regarding the Certificate of PC&N of Allegiance listed in Exhibit A which ORS seeks to have revoked by the Commission in this action pursuant to 10 S.C. Code Ann. Regs. 103-175 and 103-240 (Supp. 2013) and S.C. Code Ann. §58-23-320 (Supp. 2013).

2. Following the formal administrative hearing, immediately rule to revoke the Certificate of Allegiance listed in Exhibit A in accordance with the authority provided to the Commission under 10 S.C. Code Ann. Regs. 103-240 (Supp. 2013) and S.C. Code Ann. §58-23-320 (Supp. 2013) and thereafter immediately enter a final Order; and,

3. For other appropriate action which the Commission may deem necessary.



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Jeffrey M. Nelson, Esquire  
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Columbia, South Carolina 29201  
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Email: [jnelson@regstaff.sc.gov](mailto:jnelson@regstaff.sc.gov)

August 22, 2014  
Columbia, South Carolina

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**

**DOCKET NO. \_\_\_\_\_**

**August 22, 2014**

**IN RE:**    Petition of the Office of Regulatory Staff to Revoke  
             the Class E Household Goods Certificate of Public  
             Convenience and Necessity of Allegiance Moving  
             Company, Inc. for Failure to Maintain and File  
             Evidence of Insurance

**AFFIDAVIT OF**  
**Carole Chauvin**

The Affiant, after having been first duly sworn, deposes and states as follows:

- 1)    My name is Carole Chauvin and I am employed by the Office of Regulatory Staff ("ORS") as a Program Specialist for the Transportation Department.
- 2)    My office is located at 1401 Main Street, Suite 900, Columbia, South Carolina, 29201.
- 3)    My duties and responsibilities as a Program Manager for include serving as custodian of records for business filings associated with motor vehicle carriers subject to the jurisdiction of the Public Service Commission ("PSC").
- 4)    It is the regular business practice of ORS to maintain certain business records required to be filed by motor vehicle carriers that are subject to the jurisdiction of the PSC.
- 5)    As a result of my duties and responsibilities, I have knowledge of the manner in which the books and records are kept and of any books or records which are not complete or which are not on file with ORS.
- 6)    On August 22, 2014, I examined the business records on file with ORS.
- 7)    As a result of that examination, I attest that the proof of insurance as required by 10 S.C. Code Ann. Regs. 103-171 and/or 103-174 (Supp. 2013) has not been filed with ORS by the following carrier as of August 22, 2014:

Allegiance Moving Company, Inc.  
2910 Garden Creed Rd  
Charleston, SC 29414  
Docket Number: 2004-273-T  
Order Number: 2006-183  
Date of Order: January 1, 1999

AND FURTHER THE AFFIANT SAYETH NOT.

*Carole Chauvin*

Carole Chauvin  
Program Specialist, Transportation Department  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, S.C. 29201

Sworn and subscribed before me  
this 22 day of August, 20 14

*Hannah K. Maguire*

Notary Public for South Carolina

My Commission Expires: 7-19-21

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**  
**DOCKET NO. 2014- -T**

IN RE: Petition of the Office of Regulatory Staff to )  
Revoke the Class E (Household Goods) )  
Certificate of Public Convenience and ) **CERTIFICATE OF**  
Necessity of Allegiance Moving Company, ) **SERVICE**  
Incorporated For Failure to Maintain and File )  
Evidence of Insurance )

This is to certify that I, Faith E. Shehane, have this date served one (1) copy of the **PETITION FOR REVOCATION OF CLASS E (HOUSEHOLD GOODS) CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 671-D** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

Lane Boris, Vice President  
Allegiance Moving Company, Inc.  
2910 Garden Creek Road  
Charleston, SC 29414

  
Faith E. Shehane

August 22, 2014  
Columbia, South Carolina